

MAY 26 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Part 61 of the)
Commission's Rules Requiring Metric)
Conversion of Tariff Publications)
and Supporting Information)

CC Docket No. 93-55

COMMENTS OF U S WEST COMMUNICATIONS, INC.

- I. ANY AMENDMENT TO THE COMMISSION'S RULES SHOULD ACCOMMODATE THE CURRENT MARKET ENVIRONMENT. THUS, U S WEST SUPPORTS THE COMMISSION'S RETAINING ALL THREE OF ITS PROPOSED OPTIONS, ALLOWING CARRIERS TO DETERMINE THE OPTION MOST OPTIMAL FOR THEIR VARIOUS GEOGRAPHIES AND MARKETS.

The Federal Communications Commission ("Commission") seeks comment on tentative revisions to its Part 61 rules as a means of advancing the goal of the Metric Conversion Act,¹ as amended.² As the Commission observes, the "Act establishes the metric system of measurement as the preferred system of weights and measures for United States trade and commerce."³ While it is entirely appropriate for the Commission to attempt to advance the goals of the Act, the Commission should not seek to impose on the

¹Amendment of Part 61 of the Commission's Rules Requiring Metric Conversion of Tariff Publications and Supporting Information, Notice of Proposed Rulemaking, FCC 93-134, rel. Apr. 8, 1993, at ¶ 1 (footnote omitted) ("Carrier Metric Conversion NPRM" or "NPRM").

²See Metric Conversion Act of 1975, Pub. L. 94-168, 89 Stat. 1007 (1975), as amended by Pub. L. 100-418, 102 Stat. 1107 (1988) (codified at 15 U.S.C. § 205 et seq.) ("Metric Conversion Act" or "Act").

³Carrier Metric Conversion NPRM at ¶ 1.

For the most part, the Commission's suggested proposals are reasonable. They reflect a studied Commission effort to devise various approaches to advancing the goals of the Metric Conversion Act that can accommodate the current marketplace, as well as the market that will undoubtedly evolve over time with regard to the use of metric measurement.

The proposals put forth by the Commission, especially if they remain as various options that carriers can choose from, go a long way in permitting carrier flexibility in responding to marketplace awareness and demands. For example, certain local exchange carriers ("LEC") serving geographic areas with high levels of national and international trade (as might be found in cities such as New York, Los Angeles, etc.) might find Option 3 (metric units of measurement as the standard tariff reference with current "standard" units of measurement in parentheses) the preferred approach. Other LECs might well find such an approach too advanced for the customers in their markets, especially if the LECs cannot bill in metric units of measurement.

U S WEST Communications, Inc. ("U S WEST") does not believe that retaining all three proposed options would result in customer confusion, as the Commission has suggested.⁴ A carrier ~~would certainly seek to alleviate customer confusion with regard~~

II. SHOULD THE COMMISSION DETERMINE THAT RETAINING ALL OF ITS PROPOSED OPTIONS IS NOT FEASIBLE OR APPROPRIATE, U S WEST WOULD SUPPORT THE UTILIZATION OF OPTION 1. WE COULD ALSO

supporting information."⁶ By placing a conversion chart in the general rules section of a carrier's tariff, those customers who are interested, which might well be a minority, would have the ability to determine, from the tariffed rate, the corresponding metric unit of measurement.

The Commission expresses some concern, however, that Option 1 "may not go far enough promoting the nation's measurement units to metric."⁷ Why such option would not go far enough is not explained. The implication is that Option 1 might be insufficient to pull the marketplace through to the preferred environment where customers understand and use the metric system of measurement as a general matter of course in their business operations.

U S WEST can appreciate the Commission's concern. However, we believe that it is risky to try to use Commission rules, and carrier practices, to pull a marketplace to any particular position. As customers convert to metric measurements in more areas of their businesses over time, they will want their suppliers, including common carriers, to use the same measurements. The use of metric measurements prior to that time, however, will create, rather than avoid or alleviate, confusion.

⁶Id. at ¶ 7.

⁷Id. at ¶ 9.

B. Option 2

Should the Commission determine, however, that Option 1 just does not go far enough fast enough, U S WEST could support Option 2, if clarified or modified in certain respects. Option 2 "would allow the carrier to state in the applicable rate section of the tariff publication and in supporting information, the metric unit and corresponding rate in parenthesis beside the non-metric unit and rate."⁸

Under Option 2 a customer would see the current standard unit of measurement, with the corresponding metric unit of measurement in parentheses. Theoretically, no general conversion table would be necessary in the general rules section of the

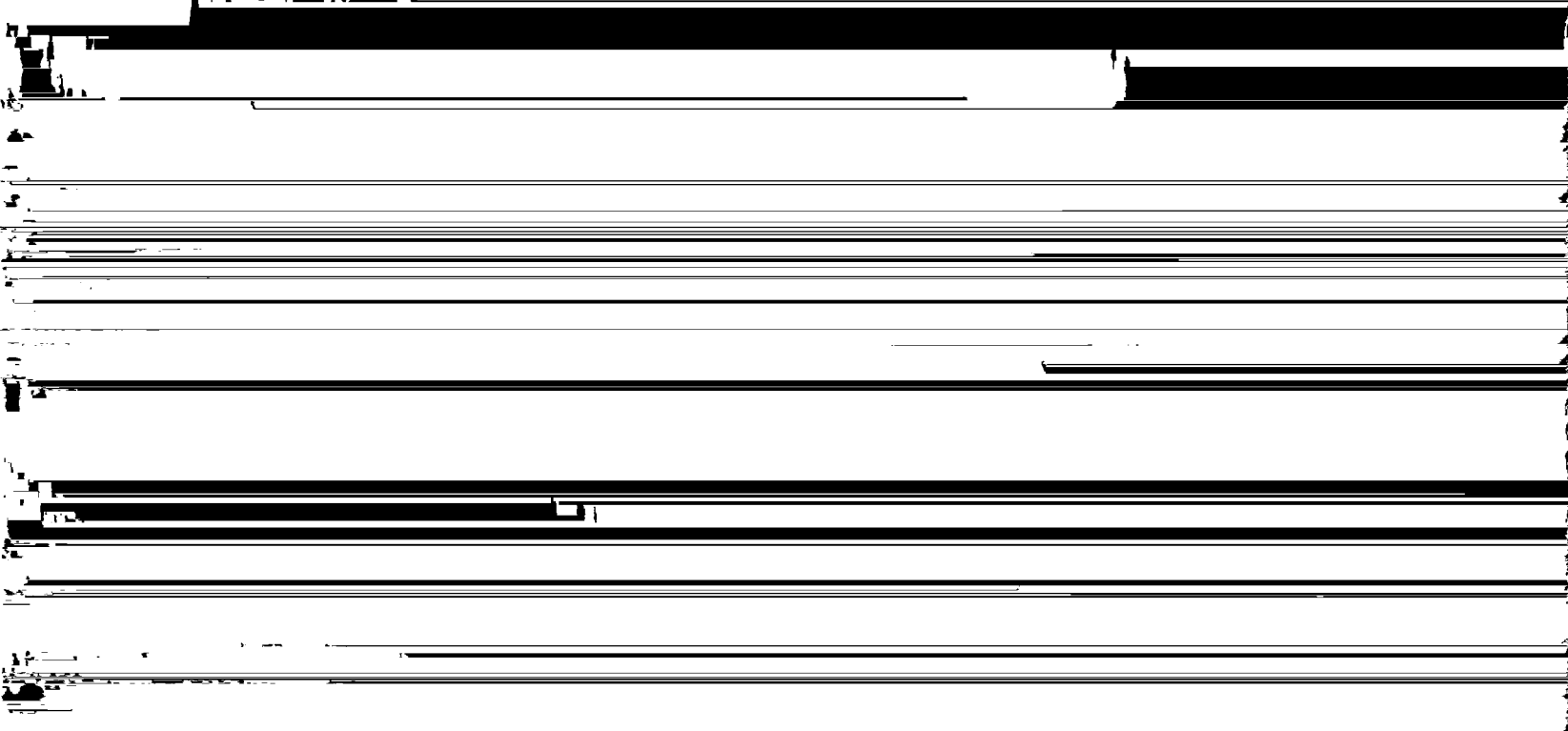
⁸Id. at ¶ 7. The Commission recently released an Order, In the Matter of Metric Conversion of Parts 1, 2, 15, 18, 21, 22, 23, 25, 36, 61, 63, 68, 69, 73, 74, 76, 78, 80, 87, 90 and 94 of the Commission's Rules, FCC 93-184, rel. May 7, 1993 ("Commission Rules Metric Conversion Order"), in which the Commission appears to use aspects of Option 2. In certain cases, for example, the current "standard" unit of measurement is followed by a metric unit of measurement in parentheses. See, for example, revisions to Parts 1, 2, 18 (id. at A-1 - A-3). In other places, the revisions demonstrate the reverse approach, i.e., the metric unit of measurement is stated first, with the current "standard" being shown in parentheses. See, for example, revision to Parts 15, 21.23, 21.41, 21.42, 21.113, 21.504, 21.701, 21.901, 21.902, 21.904, 21.906, 21.913 (id. at A-2 - A-12).

tariff because all the relevant information would be in the specific tariff sections.⁹

U S WEST could support this Option, provided that no changes were required to be made to a carrier's billing system¹⁰ and that a carrier could be provided some flexibility with regards to tariff references to Technical Publications.¹¹ As the

⁹U S WEST requests that the Commission clarify, at some point in this proceeding, what decimal point should be used by a carrier in representing a metric unit of measurement in a carrier's tariff materials. In addition to being important for purposes of conveying accurate information, a carrier (and its customers) needs to understand at what point the rounding of units of measurement would take place for potential future rating purposes.

¹⁰U S WEST does not read the Commission's Carrier Metric Conversion NPRM as soliciting information about, or requiring changes in, a carrier's billing system. The NPRM seems specifically directed to the presentation of tariff materials. If U S WEST is in error, the Commission should consider soliciting specific cost information as to what would be necessary to accomplish such conversions. The significant additional costs would not necessarily be in the rating tables, but in converting the existing customer record information from



Commission is aware, certain carrier tariffs make reference to Technical Publications which currently do not reflect metric units of measurement. It would be costly,¹² and U S WEST would argue unnecessary, for a carrier to have to flash-cut revise each and every one of those Technical Publications to reflect metric units of measurement in parentheses to the material currently found there.

Thus, U S WEST would propose a modification of Option 2. In addition to the requirement that a carrier place the metric unit

number of Technical Publications that had not been revised, a carrier would have the option of revising those Technical Publications or seeking a waiver of the Commission's rules.¹⁴

C. Option 3

Under Option 3, a carrier would be required to provide in its tariff a "conversion table for converting non-metric units and corresponding rates into metric units and rates. Only the

That such confusion would exist appears obvious. But, it is buttressed by the Commission's recent Commission Rules Metric Conversion Order. There, the Commission holds that "[t]he English units are for information purposes only, and in cases where the two figures are not precisely equivalent, the metric unit shall be considered as the sole requirement."¹⁷ Under Option 3, however, because of the inability to bill for the metric unit, the English unit (found in the general conversion table) would actually be the unit of measurement that would control.

Given this fact, U S WEST believes a requirement that a carrier use Option 3, prior to the time the market desires both metric information and billing in metric units, would be inappropriate. It would appear that, over time, as the metric unit of measurement becomes more prevalent in various aspects of trade and commerce, customers would become increasingly desirous of converting internally to such measurement and of being billed that way by their suppliers.¹⁸ But, it would be inappropriate

¹⁷Commission Rules Metric Conversion Order at ¶ 3.

¹⁸The fact that the larger carriers "already compete in international markets which use the metric unit of measurement" (see Carrier Metric Conversion NPRM at ¶ 10) does not add much to an analysis of the United States' domestic market. Precisely because the international markets prefer, and use, metric measurements, the carriers' publications and billing systems reflect that use. Those international publications and billing systems are not fungible with those found domestically. The fact that the expertise to accomplish a metric conversion might well be available somewhere in the corporate enterprises of the larger carriers does not advise how much it would cost to accomplish

to require carriers to convert their billing systems in advance of such market demand.

III. CONCLUSION


For the above-stated reasons, U S WEST would encourage the Commission to retain all three of its proposed options with regard to metric conversion and tariffed charges. Retaining all options provides carriers the flexibility necessary to respond to actual market configurations and demands.

Should the Commission deem Option 1 unsatisfactory, however, U S WEST would urge that the Commission not require compliance with Option 2 without modification for Technical Publication references. Finally, because of potential customer confusion, the Commission should not mandate Option 3 for any carrier, but should permit those carriers who are interested in that option to pursue it.

Respectfully submitted,

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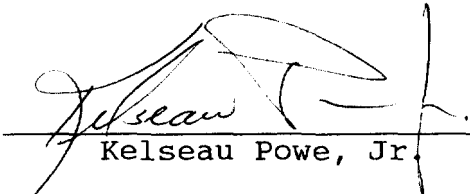
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Of Counsel,
Laurie J. Bennett

May 26, 1993

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify on this 26th day of May, 1993, that I have caused a copy of the foregoing **COMMENTS OF U S WEST COMMUNICATIONS, INC.** to be hand delivered to the persons named on the attached service list.


Kelseau Powe, Jr.

***via U.S. First Class Mail**

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